

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 110 FT IN THE A-1 (AGRICULTURE DISTRICT); (BONNIE L. & JAIME L. GIROUX, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 10-27-03 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 110 FT IN THE A-1 (AGRICULTURE DISTRICT); (BONNIE L. & JAIME L. GIROUX, APPLICANTS); OR
2. **DENY** THE REQUEST FOR MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 110 FT IN THE A-1 (AGRICULTURE DISTRICT); (BONNIE L. & JAIME L. GIROUX, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #4, Henley)

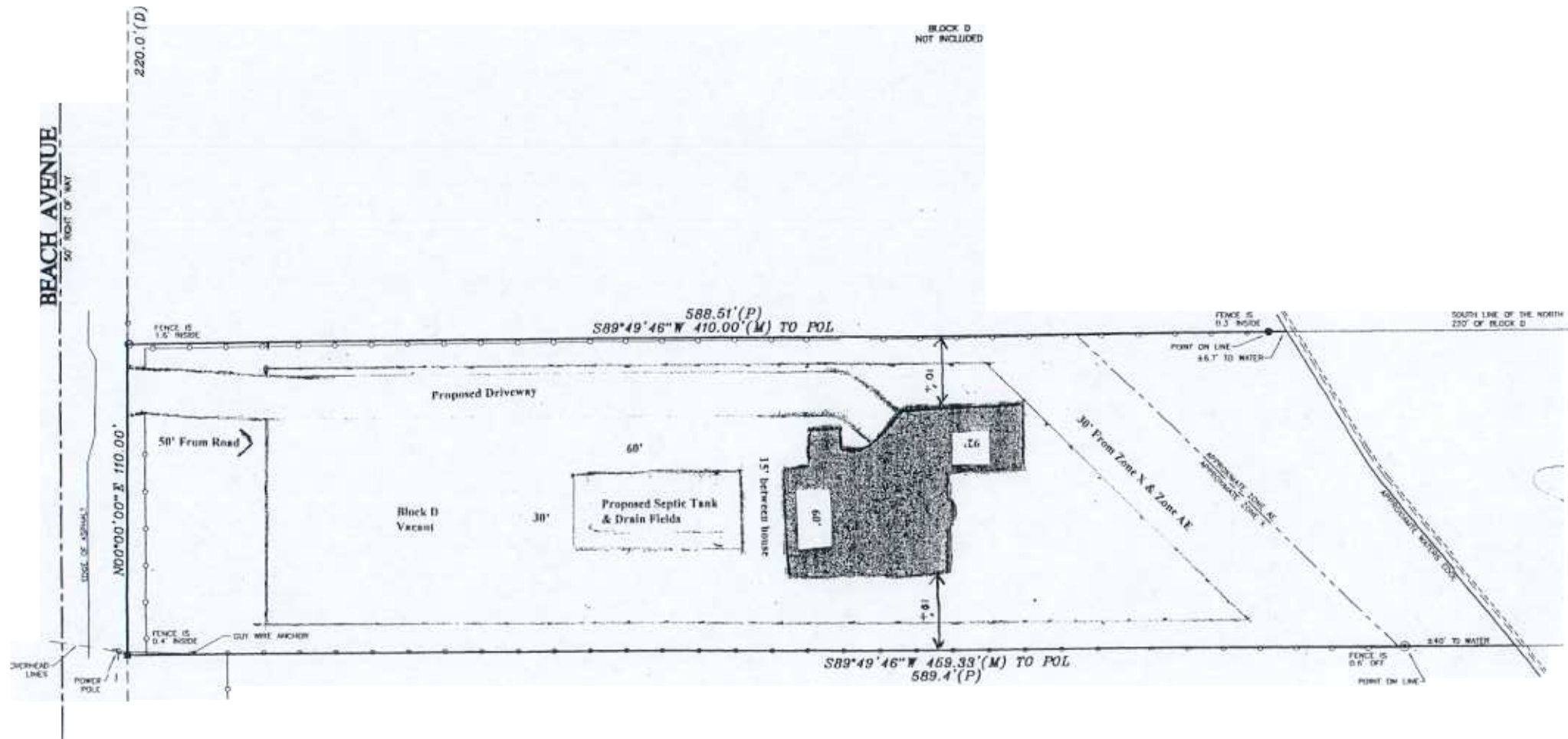
(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	BONNIE L. & JAIME L. GIROUX, APPLICANTS BEACH AVENUE LONGWOOD, FL 32750	A-1 DISTRICT, LDC SECTION 30.127 (BUILDING SITE AREA REGULATIONS)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS DESIRE TO CONSTRUCT A SINGLE-FAMILY HOME ON A LOT THAT FAILS TO MEET THE MINIMUM WIDTH AT THE BUILDING LINE REQUIREMENT ESTABLISHED FOR THE A-1 DISTRICT. • A MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 110 FT IS THEREBY REQUESTED. • THE SUBJECT PROPERTY IS AN EXISTING NONCONFORMING LOT OF RECORD (CREATED PRIOR TO THE ADOPTION OF SUBDIVISION REGULATIONS IN 1970); BEFORE A SINGLE-FAMILY HOME CAN BE CONSTRUCTED ON THE PROPERTY, A VARIANCE FROM MINIMUM LOT WIDTH AT THE BUILDING LINE MUST BE APPROVED BY THE BOARD OF ADJUSTMENT. 	
STAFF FINDINGS	STAFF HAS DETERMINED THE FOLLOWING:	

	<ul style="list-style-type: none">• THE SUBJECT LOT WAS A LOT OF RECORD IN 1970. THE ADOPTION OF THE SAME BY SEMINOLE COUNTY CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE A-1 DISTRICT MINIMUM LOT WIDTH AT THE BUILDING LINE.• POLICY FLU 3.2 REQUIRES THE RECOMBINATION OF PROPERTIES WHEN VARIANCES CAN BE NEGATED. ACCORDING TO THE 1991 SEMINOLE COUNTY REAL PROPERTY TAX ROLL, THE SUBJECT PROPERTY AND THE ABUTTING PROPERTIES TO THE NORTH AND SOUTH WERE OWNED BY DIFFERENT PARTIES. FOR THIS REASON, POLICY 3.2 CAN NOT BE APPLIED TO REQUIRE THE COMBINATION OF THOSE LOTS, PURSUANT TO THE REDUCTION OR ELIMINATION OF WIDTH NONCONFORMITY.• SINCE THE ADOPTION OF POLICY 3.2 IN 1991, NO OPPORTUNITY HAS EXISTED TO REDUCE OR ELIMINATE THE NONCONFORMITY OF THE SUBJECT PROPERTY. THEREFORE, THE APPLICATION OF A-1 DISTRICT ZONING TO THE PROPERTY CONSTITUTES A HARDSHIP.• BASED ON THE PREVIOUS FINDINGS, STAFF BELIEVES THE GRANT OF THE REQUESTED VARIANCE WOULD NOT CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE A-1 DISTRICT, FOR NO OTHER OPPORTUNITY EXISTS ON THE SUBJECT PROPERTY TO CONSTRUCT A SINGLE-FAMILY HOME, WHICH IS EXPRESSLY PERMITTED IN THE A-1 DISTRICT.• THE REQUESTED VARIANCE WOULD BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.• THE REQUESTED VARIANCE WOULD OTHERWISE BE COMPLIANT WITH THE LAND DEVELOPMENT CODE.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• STAFF RECOMMENDS APPROVAL OF THE REQUESTED VARIANCE WITH THE IMPOSITION OF THE CONDITIONS STATED BELOW:<ul style="list-style-type: none">○ ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPERTY AND PROPOSED HOME DEPICTED ON THE SITE PLAN.○ ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.

BEACH AVENUE
50' RIGHT OF WAY

305.12' (M)



BLOCK E

REVISED:	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.	SCALE: 1"=40'	■ = REC ▲ = REC X = REC ⊙ = REC ○ = REC ● = REC ● = SET ⊙ = POW ⊙ = WOK
REVISED:		REVIEWED BY: MWS	
REVISED:		DRAWN BY: LJO	
REVISED:		DATE: 8/11/02	
REVISED:		JOB No.: 16438	
REVISED:			

**VARIANCE
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: Bonnie L. & Jaime L Giroux
COMPLETE MAILING ADDRESS: 639 Clemson Drive, Altamonte Springs, FL 32714
PHONE: WORK: 407-788-1818 HOME: 407-327-3030 FAX: 407-774-0447
CELL PHONE: 407-718-1818 Email: _____
PROPERTY OWNER OF RECORD: Bonnie L. & Jaime L. Giroux
SITE OF REQUEST: Beach Ave, Longwood FL, 32750
STATEMENT OF HARDSHIP: Setback Requirements

REQUEST: Building Setback Variance, 150' Needed w/ A-1 property @ building line. Property is only 110' wide.

LEGAL DESCRIPTION OF PROPERTY: Block D, less the North 220 feet
Tract 10 SANLANDO SPRINGS, according to the plat thereof as recorded in
Plat Book 7, Page 1, of the Public Records of Seminole County, Florida

TAX PARCEL ID NO. 01-21-29-5CK-100D-0000

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: N/A

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: [Signature] DATE: Sept. 3, 2003

FOR OFFICE USE ONLY	
FEE: _____	CK# _____ RECEIPT# _____ DATE _____ ZONING DISTRICT: _____
FURTHER DESCRIBED AS: _____	
LOT SIZE: _____	
PROCESSING:	
A. LEGAL AD TO NEWSPAPER _____ / _____	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____ / _____	D. PROJECT NO. <u>03-30000152</u>
E. BOARD ACTION / DATE _____ / _____	F. LETTER TO APPLICANT _____
G. PUD SETBACKS _____	

INITIAL CONFERENCE _____

BCC DISTRICT _____

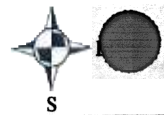
PLANNER _____

FILE NO. _____

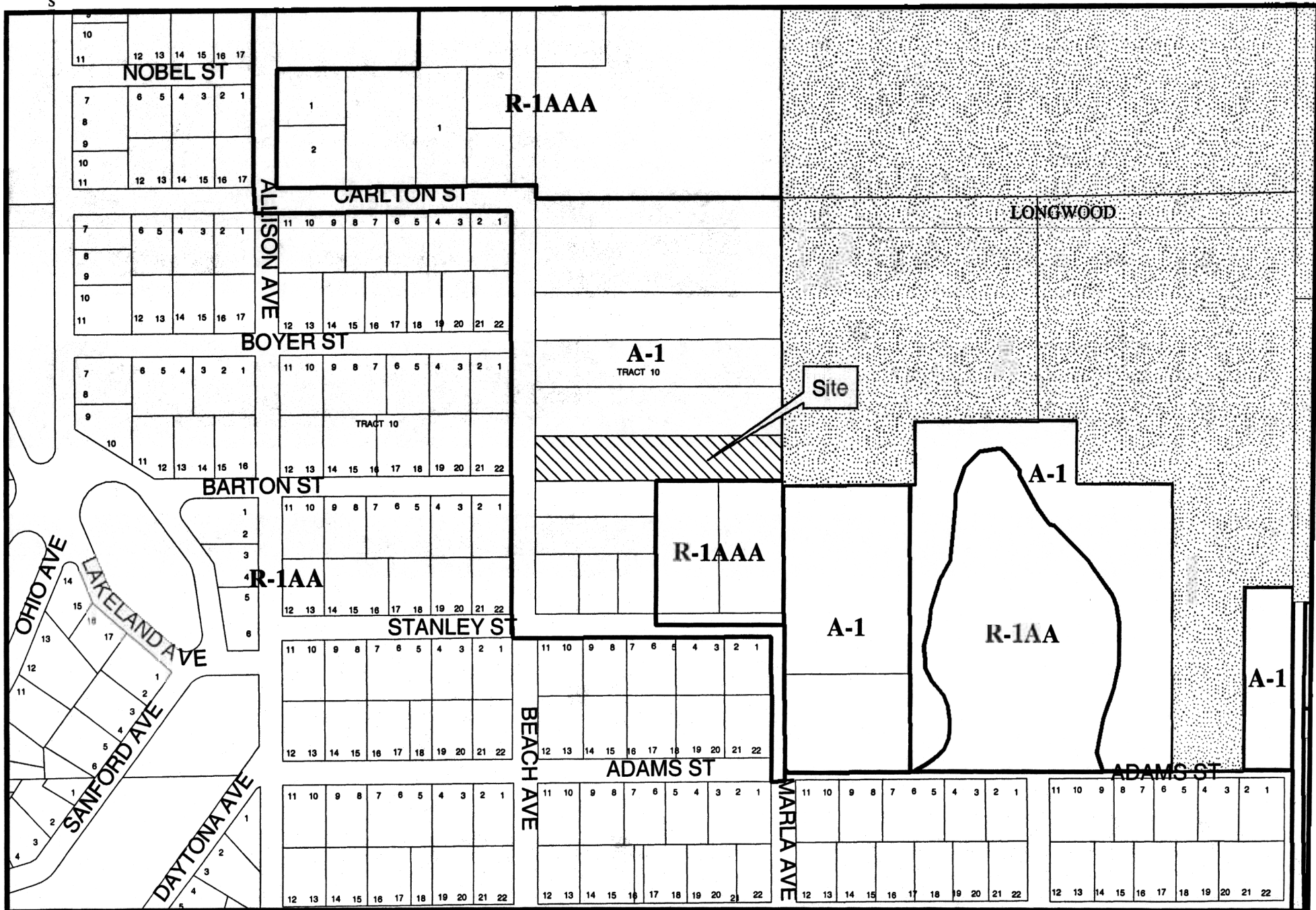
* check adjcs - + lots

* 1987 - Gross size

MEETING DATE BV2003-149



Bonnie & Jaime Giroux Beach Avenue



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG BLK D (LESS N 220 FT) TRACT 10 SANLANDO SPRINGS PB 7 PG 1

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: BONNIE L. & JAIME L. GIROUX
639 CLEMSON DRIVE
ALTAMONTE SPRINGS, FL 32714

Project Name: BEACH AVENUE

Requested Development Approval:

MINIMUM WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 110 FT
FOR A PROPOSED SINGLE-FAMILY HOME IN THE A-1 (AGRICULTURE
DISTRICT)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- 1 The rear yard setback variance shall apply only to the property and proposed single-family home as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: